

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)

5-37. Standards for Pesticide Containers and Containment: Determinations for Compliance with Pesticide Residue Removal Requirements

1. AUTHORITY. To perform the following EPA functions and responsibilities pursuant to FIFRA section 19(f):
 - a. To make a determination under FIFRA section 19(f)(2) whether or not individual States are carrying out adequate programs to ensure compliance with the pesticide residue removal requirements; and
2. TO WHOM DELEGATED. The authority in 1(a) is delegated to the Director, Land and Chemicals Division (LCD).
3. LIMITATIONS.
 - a. This delegated authority is limited to making determinations whether or not individual States are carrying out adequate programs to ensure compliance with the pesticide residue removal requirements.
 - b. The appropriate Regional Administrator, or his or her delegatee, shall make a finding of whether or not a particular State is carrying out an adequate program to ensure compliance with the pesticide residue removal requirements based on guidance criteria issued jointly by the Office of Prevention, Pesticides and Toxic Substances and the Office of Enforcement and Compliance Assistance.
 - c. When making such a determination, the appropriate Regional Administrator, or his or her delegate, shall notify the Assistant Administrator for Prevention, Pesticides and Toxic Substances, or his or her delegatee.
4. REDELEGATION AUTHORITY. The authority in 1(a) may be redelegated to the Branch Chief level, but no further.

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5. ADDITIONAL REFERENCES. Section 19(f)(2) of FIFRA.

Date 8/14/08

/s/ William T. Wisniewski
Donald S. Welsh
Regional Administrator